

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

IN RE

LYNN CHRISTINE ORCHARD,

Debtor.

Bankruptcy Case
No. 09-65380-tmr13

LYNN CHRISTINE ORCHARD,

Plaintiff,

Adversary Proceeding
No. 12-6197-tmr

v.

JPMORGAN CHASE BANK, N.A. and
ROUTH CRABTREE OLSEN, P.C.,

Defendants.

ORDER ON COURT'S OWN MOTION

This matter came before the Court on its own motion. The Court has entered its Memorandum Opinion and is therefore being fully advised in the premises. Based thereon:

1) IT IS HEREBY ORDERED AND ADJUDGED that Counts One, Two, Three (as it pertains to false representations as to the legal status of the debt at issue), Four, Five, and Eight, of Plaintiff's Fair Debt Collection Practices Act (FDCPA) claim are dismissed;

2) IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff has a jury trial right on Counts Three (as it pertains to false representations of the amount of the debt at issue), Six, Seven, and Nine, of the FDCPA claim;

ORDER ON COURT'S OWN MOTION-1

1 **3) IT IS FURTHER ORDERED AND ADJUDGED** that, within seven (7) days of this Order's
2 entry, Defendant Routh Crabtree Olsen, P.C. (RCO) shall file either an amended Answer or separate pleading
3 advising whether it consents to:

4 a) the bankruptcy court entering a final judgment on Plaintiff's claims under 11
5 U.S.C. § 362(k) and the FDCPA counts referenced in ¶ 2 above; and,

6 b) a jury trial before the bankruptcy court on the FDCPA counts referenced in ¶
7 2 above;

8 **4) IT IS FURTHER ORDERED AND ADJUDGED** that, should RCO not consent to entry of a
9 final judgment on Plaintiff's claim under 11 U.S.C. § 362(k), it shall within seven (7) days of this Order's
10 entry file a brief as to why this Court lacks the constitutional authority to enter a final judgment;

11 **5) IT IS FURTHER ORDERED AND ADJUDGED** that RCO's failure to comply with any
12 provision of this Order without just cause or excuse will expose it to sanctions under LBR 9011-3, 11 U.S.C.
13 § 105, and the Court's inherent power, with such sanctions ranging from a monetary award to a default order
14 on Plaintiff's claims.

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17 THOMAS M. RENN
18 Bankruptcy Judge
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